

NOT FOR PUBLICATION

OCT 25 2005

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JOHN D. WILLIAMS,

Plaintiff - Appellee,

v.

REGINALD P. BURGESS,

Defendant - Appellant.

No. 05-55129

D.C. No. CV-04-10036-DDP

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted October 11, 2005^{**}

Before: HALL, T.G. NELSON, and TALLMAN, Circuit Judges.

Reginald P. Burgess appeals pro se the district court's order “dismiss[ing]
the entire action with prejudice” on the ground that the action was merely a second

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

attempt to improperly remove a probate action from California state court to federal court. We affirm.

All pending motions are denied as moot.

No further filings will be accepted in this closed appeal.

AFFIRMED.